

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)
)
v.) No.: 3:08-CR-156-PLR
)
Nathaniel Brown)
)

MEMORANDUM AND ORDER

This case is before the Court on defendant's motion for a sentence reduction pursuant to Amendment 782 to the United States Sentencing Guidelines [R. 197, 199]. The government has responded, and defers to the Court's discretion whether and to what extent to reduce defendant's sentence [R. 200]. The United States Probation Office has provided the court with a Memorandum regarding application of Amendment 782 to defendant's sentence. Defendant is presently scheduled for release on March 14, 2016.

The defendant was convicted of conspiring to distribute and possess with intent to distribute 500 grams of cocaine and 100 kilograms of marijuana, in violation of 21 U.S.C. §§ 846, 841(a)(1), and (b)(1)(B). [R. 152].

At sentencing, defendant's base offense level was 27 and his criminal history category I, resulting in an advisory guideline range of 70 - 87 months. The Court granted the defendant's motion for a downward departure pursuant to USSG § 5K2.0(c), and

sentenced the defendant to 60 months' imprisonment (approximately 14 percent below the bottom of the guideline range). [R. 152].

Amendment 782 reduces the guideline range applicable to defendant. Pursuant to Amendment 782, defendant's base offense level is 25, with a criminal history category I, resulting in an amended guideline range of 57 - 71 months. The defendant is not eligible for a departure or variance below the amended guidelines range. USSG §1B1.10(b)(2)(A). Giving defendant a bottom of the guidelines sentence, and taking into account the policy statements set forth at USSG § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), it is hereby **ORDERED** that defendant's motion [R. 197, 199] is **GRANTED**, and defendant's sentence is **reduced 57 months**.

If this sentence is less than the amount of time defendant has already served, the sentence is reduced to a "time served" sentence. *See* USSG § 1B1.10(b)(2)(C).

Except as provided above, all provisions of the judgment dated March 21, 2012, shall remain in effect. **The effective date of this order is November 2, 2015.** *See* USSG § 1B1.10(e)(1).

IT IS SO ORDERED.

Enter:


UNITED STATES DISTRICT JUDGE